

UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF MASSACHUSETTS

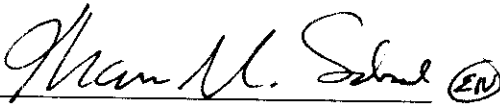
IN RE PHARMACEUTICAL INDUSTRY	)	
AVERAGE WHOLESALE PRICE	)	MDL No. 1456
LITIGATION	)	
)		CIVIL ACTION: 01-CV-12257 PBS
THIS DOCUMENT RELATES TO	)	
ALL ACTIONS	)	Judge Patti B. Saris

**STATUS REPORT**

The undersigned counsel for Plaintiffs and Defendants hereby submit the attached status report to the Court.

Respectfully Submitted,

PLAINTIFFS' LEAD COUNSEL  
ON BEHALF OF ALL PLAINTIFFS

By  (EN)  
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DATED: March 5, 2004

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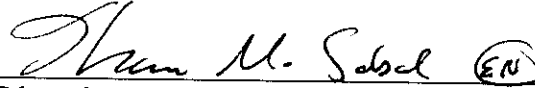
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### CERTIFICATE OF SERVICE

I hereby certify that I, Edward Notargiacomo, an attorney, caused a true and correct copy of the foregoing Status Report to be served on all counsel of record electronically on March 5, 2004, pursuant to Section D of Case Management Order No. 2.



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**MDL 1456 STATUS CHART – GOVERNMENT ENTITY CASES**

GOVERNMENT ENTITY CASES	MDL DOCKET NUMBER	ORIGINAL JURISDICTION	STATUS
Montana v. Abbott Labs., Inc. et al.	02-CV-12084-PBS	Removed to D. Mont.	<ul style="list-style-type: none"> <li>• <b>Motions to Dismiss <i>sub judice</i></b> <ul style="list-style-type: none"> <li>○ Hearing held on December 12, 2003</li> <li>○ <b>Ex Parte Motion by the United States for An Extension of Time to File its Amicus Brief until March 18, 2004</b> filed on March 4, 2004</li> <li>○ Massachusetts' Amicus Curiae Brief in Opposition to the Defendants' Motions to Dismiss on the Grounds of Preemption filed as of January 14, 2004 (pursuant to Order granting leave to file on January 14, 2004)</li> </ul> </li> </ul>
Nevada v. American Home Products, Inc. et al ("Nevada II")	02-CV-12086-PBS	Removed to D. Nev.	<ul style="list-style-type: none"> <li>• <b>Motions to Dismiss <i>sub judice</i></b> <ul style="list-style-type: none"> <li>○ Hearing held on December 12, 2003</li> <li>○ <b>Ex Parte Motion by the United States for An Extension of Time to File its Amicus Brief until March 18, 2004</b> filed on March 4, 2004</li> <li>○ Massachusetts' Amicus Curiae Brief in Opposition to the Defendants' Motions to Dismiss on the Grounds of Preemption filed as of January 14, 2004 (pursuant to Order granting leave to file on January 14, 2004)</li> </ul> </li> </ul>
California <i>ex rel.</i> Ven-A-Care of the Florida Keys, Inc. v. Abbott Labs., Inc. et al.	03-CV-11226-PBS	Removed to C.D. Cal.	<ul style="list-style-type: none"> <li>• <b>Renewed Motion to Remand <i>sub judice</i></b> <ul style="list-style-type: none"> <li>○ Hearing held on December 12, 2003</li> <li>○ Supplemental Brief Regarding the Issue of Federal Preemption of Rebate Claims filed by Plaintiff on December 18, 2003</li> <li>○ Response filed by Abbott on January 9, 2004</li> </ul> </li> <li>• Briefing on motion to dismiss postponed pending a ruling on renewed motion to remand</li> </ul>
County of Suffolk v. Abbott Labs., Inc. et al.	03-CV-10643-PBS	E.D.N.Y.	<ul style="list-style-type: none"> <li>• <b>Motions to Dismiss <i>sub judice</i></b> <ul style="list-style-type: none"> <li>○ Hearing held on December 12, 2003</li> <li>○ <b>Ex Parte Motion by the United States for An Extension of Time to File its Amicus Brief until March 18, 2004</b> filed on March 4, 2004</li> </ul> </li> </ul>
County of Rockland v. Abbott Labs., Inc. et al.	03-CV-12347-PBS	S.D.N.Y.	<ul style="list-style-type: none"> <li>• Transferred to MDL 1456 in or around November 2003</li> <li>• Stipulation in place extending defendants time to answer until 30 days after decision on motions to dismiss Suffolk County complaint</li> </ul>
County of Westchester v. Abbott Labs., Inc. et al.*	n/a	S.D.N.Y.	<ul style="list-style-type: none"> <li>• Transferred to MDL by JPML on February 13, 2004</li> <li>• Stipulation in place extending defendants' time to answer until 30 days after decision on motions to dismiss Suffolk County complaint</li> </ul>
Texas <i>ex rel.</i> Ven-A-Care of the Florida Keys, Inc. v. Roxane Laboratories, Inc.	n/a	Removed to W.D. Tex.	<ul style="list-style-type: none"> <li>• Transferred to MDL 1456 in or around December 2003</li> </ul>

\* Transfer to MDL 1456 in progress.

**MDL 1456 STATUS CHART – PRIVATE CLASS CASES**

PRIVATE CLASS CASES	MDL DOCKET NO.	ORIGINAL JURISDICTION	STATUS
<b>Master Consolidated Class Action</b>	Master File 01-CV-12257-PBS	D. Mass. pursuant to JPML Order	<ul style="list-style-type: none"> <li>• <b>Motions to Dismiss</b> the Amended Master Consolidated Class Action Complaint ("AMCC") allowed in part, and denied in part on February 24, 2004</li> <li>• <b>Motion to Intervene</b> filed by Together Card Rx participants on January 22, 2004 <ul style="list-style-type: none"> <li>◦ Together RX Defendants' Opposition filed February 19, 2004 (following February 8, 2004 Order granting extension of time to file)</li> </ul> </li> <li>• <b>Plaintiff's Motion for a Protective Order Regarding Subpoenas to Putative Class Members</b> filed December 3, 2003 <ul style="list-style-type: none"> <li>◦ Defendants' Notice of Opposition filed December 17, 2003;</li> <li>◦ Defendants' Opposition filed January 9, 2004</li> <li>◦ Plaintiffs' Reply filed January 23, 2004</li> </ul> </li> <li>• Deadlines set by CMO 7 for defendants and drugs subject to CMO 7: <ul style="list-style-type: none"> <li>◦ Class/Fact Discovery -- March 1, 2004</li> <li>◦ Plaintiffs' Expert Reports -- April 1, 2004</li> <li>◦ Defendants' Expert Reports -- May 1, 2004</li> <li>◦ Expert Depositions -- July 1, 2004</li> <li>◦ Class/Sum. Judgmt. Motions -- July 15, 2004</li> <li>◦ Class/Sum. Judgmt. Opp. -- July 30, 2004</li> <li>◦ Class/Sum. Judgmt. Replies -- August 16, 2004</li> <li>◦ Class/Sum. Judgmt. Surreply -- August 30, 2004</li> </ul> </li> </ul>
<b>Thompson v. Abbott Labs., Inc. et al.</b>	03-CV-11286-PBS	Removed to N.D. Cal.	<ul style="list-style-type: none"> <li>• Status Conference set for March 8, 2004</li> <li>• Motion to Remand denied on January 9, 2004</li> <li>• Notice of Voluntary Dismissal of Defendants not named in the AMCC filed February 23, 2004</li> </ul>
<b>Turner v. Abbott Labs., Inc. et al.</b>	03-CV-10696-PBS	Removed to N.D. Cal.	<ul style="list-style-type: none"> <li>• Motion to Remand denied on January 9, 2004</li> <li>• Notice of Voluntary Dismissal of Defendants not named in the AMCC filed February 25, 2004</li> </ul>
<b>Congress of California Seniors v. Abbott Labs., Inc. et al.</b>	03-CV-10216-PBS	Removed to C.D. Cal.	<ul style="list-style-type: none"> <li>• Motion to Remand denied on January 9, 2004</li> </ul>
<b>International Union of Operating Engineers, Local No. 68 Welfare Fund v. AstraZeneca PLC et al.</b>	n/a	Removed to D.N.J.	<ul style="list-style-type: none"> <li>• Transferred to MDL 1456 by JPML on December 3, 2003</li> <li>• <b>Motion to Remand</b> filed in District of New Jersey prior to transfer; briefed while pending in District of New Jersey</li> </ul>



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RECEIVED  
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DISTRICT OF MASSACHUSETTS  
MAR 5 2004

March 05, 2004

**VIA HAND DELIVERY**

Clerk's Office  
United States District Court  
District of Massachusetts  
One Courthouse Way, Suite 2300  
Boston, MA 02210

Re: In Re: Pharmaceutical Industry Average Wholesale Price Litigation MDL No. 1456

Dear Sir/Madam:

Enclosed for filing in the above-captioned matter please find the following document:

1. Status Report.

Please acknowledge this filing by date-stamping the enclosed copy of this letter and returning it to the waiting messenger.

Thank you.

Sincerely,

A handwritten signature in black ink, appearing to be "Edward Notargiacomo", written over a horizontal line.

Edward Notargiacomo

Enclosure

cc: All counsel of record (Via VeriLaw)